BOMBAY REGULATION XXII OF 1827.[1]

[*1st January 1827.*]

Repealed (except ss. 40 to 43), by Act 13 of 1889.
Repealed in part, by Act 12 of 1873.
Amended, by Bom. 3 of 1886.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation to declare and define military authority, in its relations to the civil power and to the community at large.

PREAMBLE. *Rep. Act XIII of 1889.*

CHAPTERS I TO VI.

[*Courts-martial; Military Courts having civil and criminal jurisdiction; Police; Aid by Civil Authorities to Military Tribunals; Military Courts of Requests; Offences cognizable in Civil Court; Limits of Cantonments; Superintendent of Bazars; Process by Civil Authority; Camp-followers.*]

1 to 39. *Rep. Act XIII of 1889.*

CHAPTER VII.

OF THE AID WHICH MAY BE FURNISHED BY CIVIL AUTHORITIES TO EXPEDITE THE MARCH OF MILITARY FORCES, AND OF COMPENSATION TO INDIVIDUALS FOR DAMAGE CAUSED BY THE TROOPS ON SUCH OCCASIONS.

Notice to District Magistrates through whose jurisdiction troops pass.

40. When military bodies, exceeding in number two hundred (200) of infantry, or one hundred (100) of cavalry, shall have occasion to march through a British territory, and also, if the number be smaller, provided they will require aid from the local authority, the commanding officer shall give timely notice to each [2][District Magistrate] through whose jurisdiction he will pass, specifying the probable time of his arrival, the extent of the corps, and the nature of the aid (if any) which will be required.

Aid to be furnished by District Magistrate.

41. *First.*—If it be required, the [3][District] Magistrate shall direct his establishment to be in readiness to procure guides, and such supplies of provisions as the country may furnish, and such conveyance for passing rivers or ghats, or any peculiarly difficult places, as is professionally provided by the inhabitants for such purposes.

How paid for

Second.—Provisions and conveyance supplied as above mentioned to individuals shall be paid for by them at the time and at the current rate of the place, the guides and conveyance for public property shall be paid for at the same rate by the Collector of the district, according to a certificate which the commanding officer is to grant, denoting the services performed; and the Collector is to insert the amount so disbursed at the foot of his treasury-account, in explanation of his treasury-balance as prescribed for similar cases.

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[1] Ss. 40 to 43 of Bom. Reg. 22 of 1827 were declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, and Sch. 3 as amended by Act 13 of 1889, to be in force in the whole of the Province of Bombay, except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs:—(1) The Parvi of Kathi, (2) the Parvi of Nal, (3) The Parvi of Singpur, (4) The Walvi of Gaohalli, (5) The Wassawa of Chikhli and (6) The Parvi of Nawalpur.

[2] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[3] "District" was substituted for "local", *ibid.*

On emergent occasions aid may be procured by impressment.

42. *First.*—When emergent occasions require the immediate march of troops and more extensive aid towards it than is allowed by the preceding section is, necessary, the [1][District] Magistrate may resort to impressment under the following rules, being careful to define the nature of the employment for which the impressment is made, and the period it is to continue.

What considered as constituting emergency.

Second.—The [1][District] Magistrate's authority for acting as in the preceding clause shall be either an order from the [2][Central Government] or a letter from the commanding officer declaring his inability to proceed without the [1][District Magistrate's] aid, and fully explaining the circumstances which render the movement of paramount importance to the general inconvenience occasioned by impressment, on receipt of which the [3][District Magistrate] will act at discretion.

Remuneration how made.

Third.—Remuneration for services or supplies procured by impressment is to be fixed by the [3][District Magistrate] on a liberal scale, and paid according to the principles of clause second, section 41, of this Regulation, namely, individuals are to pay for that which is personal accommodation, and the Collector is to defray the charges incurred for the public service under the above-quoted rules.

Report as to impressment.

Fourth.—Whenever impressment shall take place by virtue of this section, the [3][District Magistrate] shall, within ten (10) days, report the fact, with the cause and extent of impressment, and the rates of remuneration allowed [4]* to the [2][Central Government] [4] * * *.

Certificate to be furnished to person sustaining injury.

43. *First.*—When damage is occasioned to individuals by the march or encampment of troops, the commanding officer shall, on application by the sufferer, furnish him with a certificate of the nature, extent and cause thereof.

Effect of certificate.

Second.—The certificate mentioned in the preceding clause shall, if presented to the Collector or any of his officers holding charge of a district within ten (10) days from its date, entitle the sufferer to compensation for loss occasioned by such movements or positions of the troops as are *bona fide* of a military nature.

Suit against Central Government when to be instituted.

Third.—On a demand being made by virtue of this section to the Collector, he shall inquire into its merits, and, if satisfied that it is just, shall apply to [5][the Central Government] for permission to pay it; if the Collector thinks the demand is not just, or if [5][the Central Government] withhold permission to pay it, the complainant may bring the case to decision according to the process of civil law instituting a suit against [6][the Central Government.]

CHAPTERS VIII AND IX.

[Requisitions for Military aid by Civil Authorities; Spirituous Liquors.]

44 to 55. *Rep. Act XIII of 1889.*

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[1] "District Magistrate" was substituted for "Local" by Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "Central Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for "Magistrate" by Bom. 3 of 1886, Sch. B. This Schedule is printed as an appendix to Bom. 1 of 1904.

[4] The word "both" and the words "and the Court of Sudder Foujdary Adawlut" were repealed by the Repealing Act, 1873 (12 of 1873).

[5] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] The words "the Central Government" were substituted for the words "the Collector", *ibid.*